REMARKS

In the above-noted Official Action, claims 1-22 were rejected under 35 U.S.C. §103(a) over SUMAR (U.S. Patent No. 5,838,768) in view of ELFE (U.S. Patent No. 6,445,782). Claims 1, 2, 6, 7, 8, 14, 15, 19 and 22 were also rejected under 35 U.S.C. §102(e) over BALL et al. (U.S. Patent No. 6,600,736). Claims 1-22 were rejected under 35 U.S.C. §103(a) over BALL in view of SUMAR. Applicant traverses each of the above-noted rejections of claims 1-22.

Initially, Applicant traverses the rejection of claims 1-22 under 35 U.S.C. §103(a) over SUMAR in view of ELFE. In this regard, Applicant respectfully submits that SUMAR does not disclose the combination of features recited in claim 1.

The outstanding Official Action asserts, at page 2, that SUMAR discloses "receiving a call [at] a first IP 911" and "if it is necessary to go to a second IP 912, it is done, wherein IP 912 interacts with IP 911", citing col. 12, lines 24-65. However, this is both not a proper characterization of what occurs in SUMAR, and not a proper characterization of what is recited in claim 1. In this regard, SUMAR does not disclose that an IP 911 receives a call and goes to another IP 912 and interacts with the other IP 912; rather, SUMAR discloses that an IP 911 receives a call/message, and another IP 912 is instructed by an SCP to "fetch" the message from the IP 911 over a data network backbone 910.

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In contrast to the disclosure of SUMAR, claim 1 recites a "first intelligent peripheral... that receives a call from a calling party... that determines whether to contact a second intelligent peripheral based on the interaction with the calling party... and... that establishes a call connection with the second intelligent peripheral". By way of comparison, the IP 911 in SUMAR (i.e., which receives a call from a calling party), does not determine "whether to contact a second intelligent peripheral based on the interaction with the calling party"; rather, the SCP determines whether to contact IP 912. Further, the IP 911 in SUMAR does not establish "a call connection with the second intelligent peripheral"; rather, the IP 912 is instructed by the SCP to fetch a message from the IP 911, and the only direct communication between IP 911 and IP 912 is performed over the NIP "backbone" 910, "using any protocol, for example, TCP/IP, X.25" (see col. 12, lines 24-65).

For example, SUMAR discloses, at col. 12, lines 44-51, that a service control point instructs/orders a conversion IP 912 to fetch the message from the receiving IP 911 over the data network backbone 910. Further, SUMAR discloses, at col. 12, lines 59-65, that a service control point instructs/orders a delivery IP 913 to fetch the message from the conversion IP 912 over the data network backbone 910.

Accordingly, there is no single intelligent peripheral in SUMAR with all of the characteristics recited in claim 1. Nor does any intelligent peripheral in SUMAR make

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any determination or establish any call connection. Accordingly, if the Examiner continues to maintain the rejection of claim 1 using SUMAR as a primary reference, Applicant requests that the Examiner identify a single intelligent peripheral (e.g., 911, 912 or 913) which is asserted to possess each of the above-noted characteristics of the intelligent peripheral recited in claim 1.

Applicant also notes that the Official Action asserts, at page 5, that "the claimed receiver, determiner, and initiator are all inherent inasmuch as nothing can commence if a call is not received and, of course, a receiver of some sort must be present in order to receiver... [t]he same arguments are applicable to the determiner and initiator". However, the very next paragraph admits that "Sumar et al. does not teach... an IP having the determiner functionality nor the initiator functionality". Applicant submits that these assertions are contradictory and confusing, as SUMAR would not inherently possess the recited "receiver, determiner, and initiator", if SUMAR does not "teach... an IP having the determiner functionality nor the initiator functionality". Accordingly, if the Examiner continues to maintain that essentially all of the positively recited features of claim 1 are "inherent", Applicant requests that the Examiner provide a proper explanation, for each such feature asserted to be inherent, as to why he believes that such features are necessarily present in SUMAR (i.e., as would be required for such features to be inherent in SUMAR).

Accordingly, Applicant respectfully submits that the IP network described at FIGs. 9-21 and columns 12-18 of SUMAR does not disclose the invention recited in claim 1. Furthermore, Applicant respectfully submits that SUMAR does not disclose or suggest at least the features of independent claims 6, 7, 14 and 19 that are similar to the above-noted features recited in claim 1. Applicant further submits that claims 2-5, 8-13, 15-18 and 20-22 are allowable over SUMAR at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Applicant additionally submits that the combination of SUMAR with ELFE would not obtain the above-noted features of Applicant's pending claims; nor does the outstanding Official Action apply the teachings of ELFE with any particularity to the combination of features recited in Applicant's claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-23 over SUMAR in view of ELFE.

Applicant also traverses the rejection of claims 1, 2, 6, 7, 8, 14, 15, 19 and 22 under 35 U.S.C. §102(e) over BALL. In this regard, BALL discloses a telephone/IP server 205 that "is reachable over the PSTN 202" and "provides an interface between PSTN 202 and IP network 204" (see col. 6, lines 13-17). In the embodiments shown in FIGs. 1 and 2, the telephone/IP server 205 is the only element that receives a call from and interacts with the calling party.

BALL further discloses elements 203 and 209 that communicate with the telephone/IP server. However, element 203 and element 209 in BALL are each web servers in "an IP network". Therefore, there is no second intelligent peripheral in BALL. Furthermore, there is no disclosure that any element of BALL determines "whether to contact a second intelligent peripheral based on the interaction with the calling party" as recited in claim 1; rather, BALL discloses that the telephone/IP server 205 determines whether to contact a web server 203, 209. Moreover, there is no call initiator that "establishes a call connection with the second intelligent peripheral" as recited in claim 1; rather, BALL discloses that the IP server 205 communicates with the web servers 203, 209 over the internet or another data network. Accordingly, the telephone/IP server 205 in BALL is the only element that is properly considered an intelligent peripheral; however, the telephone/IP server 205 does not determine "whether to contact a second intelligent peripheral based on the interaction with the calling party" and the telephone/IP server 205 does not establish "a call connection with the second intelligent peripheral".

Accordingly, Applicant respectfully submits that BALL does not disclose or suggest the invention recited in claim 1. Furthermore, Applicant respectfully submits that BALL does not disclose or suggest at least the features of independent claims 6, 7, 14 and 19 that are similar to the above-noted features recited in claim 1. Applicant further submits that claims 2, 8, 15 and 22 are allowable over BALL at least for depending,

directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Applicant traverses the rejection of claims 1-22 under 35 U.S.C. §103(a) over BALL in view of SUMAR. In this regard, the rejection under 35 U.S.C. §103(a) is based upon the assertion in the outstanding Official Action that "the IVR web service taught by BALL et al. could be argued as being a virtual IVR or logical instead of a physical IVR implemented as or on a physical IP platform". However, as noted above, only the telephone/IP server 205 in BALL actually provides the interactive voice in the telecommunications network, based on content provided by the web servers 203 and 209. Accordingly, only the telephone/IP server 205 in BALL might properly be considered an intelligent peripheral.

Further, there is no reason for the system in BALL to include another such server 205 in place of the web servers 203 and 209. Nor is there any reason for the system of BALL to provide one of the intelligent peripherals 911, 912 or 913 of SUMAR. Rather, BALL extensively describes that its inventive aspect is to provide the server 205 as a gateway to the internet. Accordingly, replacing either or both of the web servers 203 and 209 with a second intelligent peripheral, whether a copy of the telephone/IP server 205 of BALL or an intelligent peripheral 911, 912, 913 of SUMAR, would negate the entire internet-related teachings of BALL. Therefore, there is no reason to modify BALL to

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replace either web server 203 and/or 209 with an intelligent peripheral, whether the

secondary teachings of SUMAR or any other reference are considered.

Accordingly, Applicant respectfully submits that the BALL as modified by the

teachings of SUMAR does not render obvious the invention recited in claim 1.

Furthermore, Applicant respectfully submits that the combination of BALL and SUMAR

does not render obvious at least the features of independent claims 6, 7, 14 and 19 that are

similar to the above-noted features recited in claim 1. Applicant further submits that

claims 2-5, 8-13, 15-18 and 20-22 are allowable over the combination of BALL and

SUMAR at least for depending, directly or indirectly, from an allowable independent

claim, as well as for additional reasons related to their own recitations.
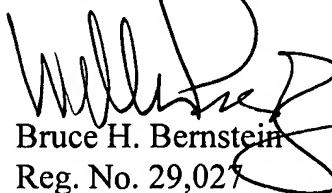
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance, and believes that he has now done so. Applicant has discussed the features recited in Applicant's claims, and has shown how the combination of features recited in Applicant's claims are not taught, disclosed nor rendered obvious by the references cited by the Examiner. Accordingly, reconsideration and withdrawal of the outstanding rejections, as well as an indication of the allowance of each of the pending claims, is respectfully requested.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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